

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

STAN LEE MEDIA, INC.,

Plaintiff,

vs.

THE WALT DISNEY COMPANY,

Defendants.

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) Civil Action No.

) 1:12-cv-02663-WJM-KMT

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VIDEOTAPED DEPOSITION OF STAN LEE

Beverly Hills, California

Wednesday, March 13, 2013

Volume 1

Reported by:

ALENE M. CASTRO

CSR No. 4847

Job No. 1619769

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Sarnoff, A VERITEXT COMPANY
877-955-3855

2021MARVEL-0131319

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

STAN LEE MEDIA, INC.,

Plaintiff,

vs.

THE WALT DISNEY COMPANY,

Defendants.

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) Civil Action No.

) 1:12-cv-02663-WJM-KMT

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Videotaped deposition of STAN LEE, Volume 1,
taken on behalf of Plaintiff, at 9601 Wilshire
Boulevard, Suite 700, Beverly Hills, California,
beginning at 9:01 a.m. and ending at 11:04 a.m. on
Wednesday, March 13, 2013, before ALENE M. CASTRO,
Certified Shorthand Reporter No. 4847.

1 APPEARANCES:

2
3 For Plaintiff Stan Lee Media, Inc.:

4 EISNER CAHAN GORRY CHAPMAN ROSS & JAFFE

5 BY: ROBERT S. CHAPMAN

6 BY: JAMES MOLEN

7 Attorneys at Law

8 9601 Wilshire Boulevard, Suite 700

9 Beverly Hills, California 90210

10 (310) 855-3200

11 rchapman@eisnerlaw.com

12 jmolen@eisnerlaw.com

13
14 For Defendant The Walt Disney Company:

15 WEIL, GOTSCHAL & MANGES LLP

16 BY: BRUCE R. RICH

17 BY: RANDI W. SINGER

18 Attorneys at Law

19 767 Fifth Avenue

20 New York, New York 10153-0119

21 (212) 310-8152

22 bruce.rich@weil.com

23 randi.singer@weil.com

24
25
Page 3

1 APPEARANCES (continued):

2
3 For Stan Lee Individually:

4 SHERMAN & HOWARD

5 BY: MARK W. WILLIAMS

6 Attorney at Law

7 633 Seventeenth Street, Suite 3000

8 Denver, Colorado 80202-3622

9 mwilliams@shermanhoward.com

10 (303) 299-8211

11
12 --and--

13
14 GANFER & SHORE LLP

15 BY: IRA BRAD MATETSKY

16 Attorney at Law

17 360 Lexington Avenue

18 New York, New York 10017

19 (212) 922-9250

20 imatetsky@ganfershore.com

21
22
23
24
25
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1 APPEARANCES (Continued):

2
3 Also Present:

4 MICHAEL WOLK, Walt Disney Corporate Representative

5 ELI BARD, Deputy Chief Counsel, Marvel

6 Entertainment

7
8 Videographer:

9 DAVID WEST

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Page 5

Sarnoff, A VERITEXT COMPANY
877-955-3855

2021MARVEL-0131323

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WITNESS	EXAMINATION
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STAN LEE	
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Volume 1	
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BY MR. CHAPMAN	12
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EXHIBITS

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Exhibit 1	Subpoena to Testify for Stan Lee	14
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Exhibit 2	Email chain, the latest from Lee to Thall sent 12/16/00	23
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Exhibit 3	Letter dated 10/15/98 to Stan Lee re Employment Agreement/Rights Assignment	26
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Exhibit 4	Letter dated 10/15/98 to Stan Lee re Employment Agreement/rights Assignment; SLM 0129116-129120	28
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Exhibit 5	Stan Lee v Marvel Entertainment Complaint	32
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1 INDEX (Continued):

2 EXHIBITS

3 NUMBER PAGE

4 Exhibit 6 Employment Agreement between 38
5 Marvel Enterprises, Inc. and Stan
6 Lee dated 11/1/98;
7 MVL_SLMI0003352-3364
8

9 Exhibit 7 Letter dated 11/9/98 to Hardie 43
10 from Lieberman;
11 MVL_SLMI0003158-3159
12

13 Exhibit 8 Letter dated 6/8/00 to Lipson 45
14 from Lieberman;
15 MVL_SLMI0004566-4572
16

17 Exhibit 9 Letter dated 11/4/98 to Lieberman 48
18 from Hardie; MVL_SLMI0003156
19

20 Exhibit 10 Excerpts from the book "Stan Lee 57
21 Conversations"
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INSTRUCTIONS NOT TO ANSWER

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16	18
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17	1
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Sarnoff, A VERITEXT COMPANY
877-955-3855

1 Q So the salary didn't cover your writing?

2 MR. WILLIAMS: Object to the form of the
3 question. Mischaracterizes his testimony.

4 You can go ahead and answer.

5 THE WITNESS: I don't really know how to 10:48:25
6 answer that. I got the salary, and I was -- well, I
7 also got paid for the writing -- they paid me for
8 what I wrote besides my salary.

9 BY MR. CHAPMAN:

10 Q So you got a salary whether you wrote or 10:48:41
11 not; correct?

12 A Yes.

13 Q And then if you wrote, you got paid in
14 addition; is that your testimony?

15 A Right. Except if I hadn't written, they 10:48:51
16 wouldn't have been so generous with the salary. But
17 you're right, I got paid as editor and art director,
18 and I also got paid separately for whatever I wrote.

19 Q Now, sir, you've told me that you've been
20 deposed before? 10:49:24

21 A Yes.


22 Q In connection with which case or cases was
23 that?

24 A I don't even remember. The one with
25 Marvel. It seems to me there was something with 10:49:35

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1
2
3
4 I, STAN LEE, do hereby declare under
5 penalty of perjury that I have read the foregoing
6 transcript; that I have made any corrections as
7 appear noted, in ink, initialed by me, or attached
8 hereto; that my testimony as contained herein, as
9 corrected, is true and correct.

10 EXECUTED this 27 day of April 2013,
11 at Beverly Hills, CA
(City) (State)

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16 
STAN LEE

Volume 1

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ACKNOWLEDGMENT

State of California
County of Los Angeles

On April 22, 2013 before me, Kimberly Luperi
(insert name and title of the officer)

personally appeared Stan Lee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

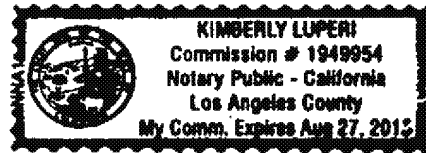
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal

Signature



(Seal)



STATEMENT OF CHANGES

DEPOSITION OF STAN LEE

March 13 and 14, 2013

STAN LEE MEDIA, INC. V. THE WALT DISNEY COMPANY

Civil Action No. 1:12-cv-02663-WJM-KMT

United States District Court, District of Colorado

PAGE	LINE	SHOULD READ	REASON
5	4	SLMI corporate representative	Incorrect corporate designation
75	4	SLMI corporate representative	Incorrect corporate designation
89	8	proceed	Typographical error
119	8	Perelman, the fellow who controls Revlon, had	Correction of name
127	20-22	I loved the way he drew the Surfer. To Jack it was just a throw-away character, but I decided to call him the Silver Surfer and give him a certain personality.	Correction of name and clarification of response



Stan Lee

Acknowledged before me this ____ day of April, 2013.

Notary Public

[SEAL]

My commission expires: _____

ACKNOWLEDGMENT

State of California

County of LOS Angeles

On April 22, 2013 before me, Kimberly Luperi
(insert name and title of the officer)

personally appeared Stan Lee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

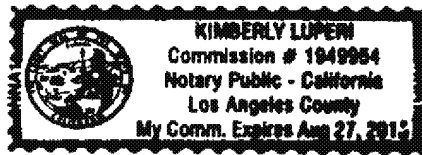
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

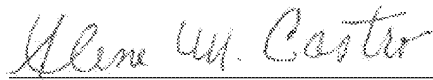
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: March 16th, 2013

23 _____

24 ALENE M. CASTRO

25 CSR No. 4847

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